

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:22-cv-00171-MR-WCM
CIVIL CASE NO. 1:22-cv-00172-MR-WCM
CIVIL CASE NO. 1:22-cv-00173-MR-WCM
CIVIL CASE NO. 1:22-cv-00174-MR-WCM
CIVIL CASE NO. 1:22-cv-00175-MR-WCM
CIVIL CASE NO. 1:22-cv-00176-MR-WCM
CIVIL CASE NO. 1:22-cv-00177-MR-WCM
CIVIL CASE NO. 1:22-cv-00178-MR-WCM
CIVIL CASE NO. 1:22-cv-00179-MR-WCM
CIVIL CASE NO. 1:22-cv-00181-MR-WCM
CIVIL CASE NO. 1:22-cv-00182-MR-WCM
CIVIL CASE NO. 1:22-cv-00183-MR-WCM
CIVIL CASE NO. 1:22-cv-00184-MR-WCM
CIVIL CASE NO. 1:22-cv-00185-MR-WCM
CIVIL CASE NO. 1:22-cv-00186-MR-WCM
CIVIL CASE NO. 1:22-cv-00187-MR-WCM
CIVIL CASE NO. 1:22-cv-00188-MR-WCM
CIVIL CASE NO. 1:22-cv-00189-MR-WCM
CIVIL CASE NO. 1:22-cv-00190-MR-WCM**

DARRYL K. MCMAHAN,

Plaintiff,

vs.

**LOWELL S. GRIFFIN, WESTERN
SURETY COMPANY, and KENNETH
B. CLAMSER,**

Defendants.

**AMENDED
ORDER OF REMAND**

THIS MATTER is before the Court on the parties' Stipulation of Partial Dismissal of Plaintiff's Claims and Joint Request to Remand to State Court filed in each of the above-referenced cases.

By the present Stipulation, the parties stipulate, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), to the dismissal of the following claims in each of the above-referenced cases: (1) the Plaintiff's claims made pursuant to 42 U.S.C. § 1983; (2) his claims under North Carolina law for malicious prosecution and abuse of process; and (3) his claims for negligence against Deputy Clamser in his individual capacity. With the dismissal of these claims, the only claims remaining in these cases are the Plaintiff's claims for negligence against Sheriff Griffin in his official capacity and Western Surety Company. The parties therefore jointly move that these twenty related actions be remanded to state court for further proceedings with respect to these remaining state law claims.

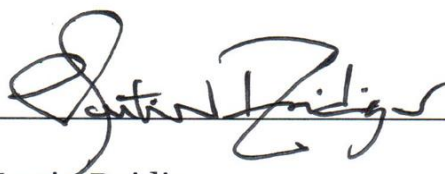
Upon review of the parties' Stipulation and Motion, and for cause shown, the Court will grant the parties' motions and remand these actions.

IT IS, THEREFORE, ORDERED that the parties' Joint Request to Remand to State Court [Case Nos. 1:22-cv-00171-MR-WCM, Doc. 13; 1:22-cv-00172-MR-WCM, Doc. 13; 1:22-cv-00173-MR-WCM, Doc. 13; 1:22-cv-

00174-MR-WCM, Doc. 13; 1:22-cv-00175-MR-WCM, Doc. 13; 1:22-cv-00176-MR-WCM, Doc. 13; 1:22-cv-00177-MR-WCM, Doc. 13; 1:22-cv-00178-MR-WCM, Doc. 13; 1:22-cv-00179-MR-WCM, Doc. 13; 1:22-cv-00181-MR-WCM, Doc. 13; 1:22-cv-00182-MR-WCM, Doc. 13; 1:22-cv-00183-MR-WCM, Doc. 13; 1:22-cv-00184-MR-WCM, Doc. 13; 1:22-cv-00185-MR-WCM, Doc. 13; 1:22-cv-00186-MR-WCM, Doc. 13; 1:22-cv-00187-MR-WCM, Doc. 13; 1:22-cv-00188-MR-WCM, Doc. 13; 1:22-cv-00189-MR-WCM, Doc. 10; 1:22-cv-00190-MR-WCM, Doc. 12] are **GRANTED**, and these actions are **REMANDED** to the Buncombe County General Court of Justice, Superior Court Division, for further proceedings with respect to the Plaintiff's negligence claims against Sheriff Griffin in his official capacity and Western Surety Company.

IT IS SO ORDERED.

Signed: August 17, 2023



Martin Reidinger
Chief United States District Judge

